

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	
TRAM LE D/B/A	:	FINAL DECISION AND ORDER
QUEEN NAILS,	:	LS0509122BAC
RESPONDENTS.	:	
	:	

Division of Enforcement Case File Number: 02 BAC 076

The parties to this action for the purposes of Section 227.53 of the Wisconsin Statutes are:

Tram Le
506 West 12th Street
Marshfield, WI 54449

Queen Nails
1633 North Central Avenue
Marshfield, WI 54449

Barbering and Cosmetology Examining Board
Post Office Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Tram Le (Date of Birth: March 21, 1972), 506 West 12th Street, Marshfield, WI 54449, is duly licensed as a manicurist in the state of Wisconsin (license #85-3388). This license was first granted on April 2, 1998, and is current through June 30, 2007.
2. Queen Nails, 1633 North Central Avenue, Marshfield, WI 54449, is duly licensed as a manicuring establishment in the state of Wisconsin (license #71-1924). This license was first granted on August 3, 2001, and is current through June 30, 2007. Records of the Department of Regulation and Licensing (DRL) list Tram Le as the owner of Queen Nails. As owner of a licensed manicuring establishment Ms. Le was responsible for compliance with Wis. Stats. Ch. 454 and Wisconsin Administrative Code Chs. BC 2, 3 and 4.
4. An inspection of Queen Nails by DRL Investigator Candace Bloedow on November 18, 2004, found used contact equipment stored in drawers, loose cutting instruments stored in a drawer with used equipment, unsanitary cutting tools, no gloves or bandages at work stations, no posting of Tram Le’s manicurist license and no Blood Exposure Protocol posted in the establishment.
5. Investigator Bloedow also found during the November 18 , 2004, inspection that Phoung Bui was providing

manicuring services at Queen Nails to the public while unlicensed as a manicurist.

6. In resolution of this matter, Tram Le d/b/a Queen Nails consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. Sec. 454.15.

2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached stipulation pursuant to Wis. Stat. Sec. 227.44(5).

3. By the conduct referred to in the above Findings of Fact, Tram Le d/b/a Queen Nails has violated:

1. Wis. Stat. sec. 454.04(1)(d). No person may engage in manicuring unless the person has received training in the areas of service provided and holds a current manicurist license, barber or cosmetology license, manager license or temporary permit issued by the examining board or is an apprentice under s. 454.10 or a student in a manicuring or barbering or cosmetology course of instruction
2. Wis. Stats. sec. 454.15(2)(i), which provides that any violation of Chapter 454 or of the Administrative Code promulgated under Chapter 454 is cause for discipline.
3. Wis. Admin. Code sec. BC 2.03(5), which requires that licensees shall take adequate and necessary precautions to protect the patron from health and safety hazards when performing services.
4. Wis. Admin. Code sec. BC 2.04(1). Licensees may not assist or participate in the unauthorized or unlicensed practice of barbering and cosmetology, aesthetics, electrology or manicuring.
5. Wis. Admin Code sec. BC 2.08(1)(a), which states that licensees holding current licenses shall be responsible for compliance with the sanitation and safety precautions contained in Ch. BC 4.
6. Wis. Admin. Code sec. BC 3.01(1) which calls for licensees to maintain the establishment, including floors, walls, ceilings, furniture, equipment, tools, utensils and instruments, in good repair and in an orderly and sanitary condition.
7. Wis. Admin. Code sec. BC 4.01(1) which requires that all areas of an establishment and the equipment, tools and implements for services shall be maintained in a clean, sanitary and safe condition.
8. Wis. Admin. Code sec. BC 4.01(3) which requires powder puffs, sponges, and emery boards and other contact equipment that cannot be cleaned with soap or detergent and water to be disposed of following each use.
9. Wis. Admin. Code sec. BC 4.02(4) which requires that clean and disinfected contact equipment shall be placed in one or more covered containers. One or more separate containers shall be provided for the immediate storage of soiled contact equipment until cleaned and disinfected.
11. Wis. Admin. Code sec. 4.04(2) which requires that all licensees working in a licensed establishment shall be supplied with bandages and disposable gloves.
11. Wis. Admin. Code sec. BC 4.05(2) which requires that a licensed establishment shall post a written protocol describing the procedure for unintentional occupational exposure to bodily fluids described in sub. (1). The protocol shall be posted in a place conspicuous to licensees.

12. Wis. Admin. Code sec. BC 4.10(4) requires that manicure instruments that can't be cleaned and disinfected or sterilized shall be disposed of following each use.

ORDER

NOW, THEREFORE, **IT IS HEREBY ORDERED** that Tram Le d/b/a Queen Nails, shall pay to the Department of Regulation and Licensing a forfeiture of ONE THOUSAND THREE HUNDRED dollars (\$1,300.00). Tram Le d/b/a Queen Nails shall also pay costs in the amount of SEVEN HUNDRED dollars (\$700.00) in this matter. Payment shall be submitted within 90 days from the date of this order. Payment shall be made by ***certified check or money order***, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
608-261-7904

IT IS FURTHER ORDERED that in the event Tram Le d/b/a Queen Nails fails to timely submit any payment of the forfeiture and costs as set forth above, the establishment license of Queen Nails (#71-1924) **SHALL BE SUSPENDED**, without further notice or hearing, until Respondents have complied with the terms of this Order.

This Order shall become effective upon the date of its signing.

BARBERING AND COSMETOLOGY EXAMINING BOARD

By: Leon G. Lauer
A member of the Board

September 12, 2005
Date